

The Honorable Thomas T. Glover
Chapter 7
Hearing Date: _____, 2010
Hearing Time: 9:30 a.m.
Response date: _____, 2010

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re
INMEDIARES PRODUCTIONS, LLC
dba CATALYST GAME LABS,

Case No. 10-14343-TTG

DECLARATION OF DIANA K. CAREY IN
SUPPORT OF MOTION FOR ENTRY OF
ORDER FOR RELIEF IN INVOLUNTARY
PROCEEDING

DIANA K. CAREY, on oath declares:

1. I am a shareholder at Karr Tuttle Campbell and our firm represents Petitioning Creditors Jean-Philippe Sugarbroad, Paul H. Stansel, and Wildfire LLC. I make this declaration on personal information and a review of records kept in the ordinary course or in the bankruptcy court files. This Declaration is in support of the Petitioning Creditors' motion for entry of an order for relief.

2. Each of the three petitioning creditors signed the Involuntary Petition requesting an order for relief against Inmediares Productions, LLC d/b/a/ Catalyst Game Labs (“Catalyst”), and those undisputed noncontingent claims total more than \$13,475. The petitioners are eligible

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1 pursuant to 11 U.S.C. § 303(b), and their claims are not contingent nor subject to a bona fide
2 dispute.

3 3. The Involuntary Petition was filed on April 19, 2010. It alleged that Catalyst was
4 a person against whom an order for relief may be entered, that the debtor was not generally
5 paying its debts as they became due.

6 4. The Summons to Debtor in Involuntary Case was issued April 20, 2010, and
7 according to the Declaration of Service on file (Dkt #3), was mailed “regular” and “certified” to
8 the debtor on April 21, 2010. Attached as Exhibit 1 are two signed receipts from the certified
9 mail, both of which are dated April 22, 2010.

10 5. The Debtor’s answer was due, therefore, either May 12, 2010 (the earliest, 21
11 days after the summons was issued) or at least May 14, 2010 (21 days after receipt of service).

12 6. On May 17, 2010, as I was about to file a Motion for Default, Debtor submitted
13 an Answer and Affirmative Defenses (Dkt #4, filed at 15:32). Debtor did not move for leave to
14 answer out of time.

15 7. On May 10, 2010 (well before the answer date) I was contacted by bankruptcy
16 attorney James Santucci stating he had been contacted by Catalyst about representing them in
17 the involuntary proceeding. At no time did he ask me for an extension of time to answer the
18 involuntary complaint, nor did I ever indicate that my clients would agree.

19 8. I spoke to Mr. Santucci on the morning on May 14, 2010 (after he had met with
20 Catalyst’s representatives) and he asked if my clients wished to “settle,” and I said no. I
21 reaffirmed that on May 17, 2010 and indicated I was filing a motion for default.

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Law Offices
KARR TUTTLE CAMPBELL
A Professional Service Corporation
1201 Third Avenue, Suite 2900, Seattle, Washington 98101-3028
Telephone (206) 223-1313, Facsimile (206) 682-7100

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2 I certify under penalty of perjury under the laws of the State of Washington that the
3 foregoing is true and correct.

4 DATED in Seattle, Washington, this 18th day of May 2010.
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8 Diana K. Carey, WSBA # 16239

28 DECLARATION OF DIANA K. CAREY IN
29 SUPPORT OF MOTION FOR ENTRY OF
30 ORDER FOR RELIEF - 3

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